

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

JULY 24, 2000

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with Messrs. Dale, Kreider, Raser, Senhauser and Mmes. Sullebarger and Wallace present. Messrs. Bloomfield and Mmes. Borys and Spraul-Schmidt, were absent.

CERTIFICATE OF APPROPRIATENESS - 2303 ASHLAND AVENUE, UPLANDS HISTORIC DISTRICT

William Forwood, Urban Conservator, showed the Board pre-construction photographs of the Queen Anne house at 2303 Ashland Avenue and photographs of the property as it exists today covered in vinyl siding. He explained that the work had begun in late 1998 without a building permit, but was halted by order of the Department of Buildings and Inspections based on a neighbor's complaint in early 1999. Shortly thereafter, the applicant applied for and received a building permit for the work, but the application was not forwarded to the Historic Conservation Office for review or presentation to the Board. When it was discovered that the permit had been issued without a Certificate of Appropriateness, the Urban Conservator asked the Director of Buildings and Inspections to take action. The Director instructed owner to apply to the Board for a Certificate.

Mr. Forwood explained that the vast majority of work had been completed before the building permit was issued. The siding had been installed on all walls to within a few feet of the ridge; the wooden trim had been panned in aluminum; and changes to the windows had been completed. The work does not meet the Uplands Historic District Guidelines that discourage the use of vinyl siding and prohibit the installation of incompatible materials over original surfaces.

Mr. Forwood has spoken with both the Department of Buildings and Inspections and City Solicitor's Office regarding the issue. Based on those conversations and the inappropriate work, staff recommended that the Board deny the applicant a Certificate of Appropriateness and that the Board ask the Solicitor's Office to take action as appropriate and as outlined in the City Conservation Legislation.

The applicant, Tim Swallow was present to answer questions from the Board. Mr. Swallow indicated that he was unaware that his contractor, Ohio Builders, had not secured the required approvals as required in his contract. Neither was he aware that a Certificate of Appropriateness was required for the work. Mr. Dale suggested that if his contractor was required to secure all permits, the applicant may have legal recourse against Ohio Builders.

He indicated that the new siding and trim panning had been installed to reduce the maintenance of the property and that details such as the flared base of the second floor siding had been preserved. He said he believed that the property is now better protected and has greater street appeal as a result of the work. Further, removing the new work would present a financial hardship for him. Mr. Kreider agreed that the work appears good from the street and was sympathetic regarding the permit process, but said that the Board was obligated to evaluate the work in the context of the Uplands Historic District Guidelines.

In answer to Ms. Sullebarger, Mr. Swallow indicated that he had owned the property at the time of the creation of the Uplands Historic District, but that at the time of the designation, he was out of the country. He did not recall receiving either notice of the creation of the district or a copy of the district guidelines. Staff was not certain whether district guidelines had been mailed or hand delivered to property owners.

Mr. Raser asked whether alternative treatments (such as preserving the second floor shingle and decorative wood details) had been considered. Mr. Swallow indicated that he had investigated other means, but concluded that the vinyl was the most durable and cost effective solution.

A neighbor Mr. Charles Strain appeared to speak against the Application. Mr. Strain said that he had personally delivered information on the proposed district to 2303 Ashland Avenue. Mr. Swallow answered that this is a rental property, so any information would have been delivered to his tenants. According to HCO records, notification was initially sent to 2303 Ashland and later to an address presumed to be that of the mortgage holder.

Mr. Strain said that the neighborhood had supported the Uplands Historic District listing to prohibit this kind of work and that approval of a Certificate of Appropriateness would only encourage other owners to undertake similar projects. Further, he said that to allow the work to remain in place would send the wrong signal to other property owners in the district.

Dorothy Vogt, President of the East Walnut Hills Assembly, said she encouraged flexibility in applying the district guidelines, but in this situation, the work was not close to meeting the standards.

The Board was generally concerned that it was again being asked to approve work already in place as well as another instance of the Department of Buildings and Inspections issuing permits without required review. Mr. Kreider presented a draft letter to the Director of B&I addressing this matter.

BOARD ACTION

The Board voted unanimously to accept the staff recommendation (motion by Raser second by Sullebarger) and took the following actions:

- Found that the installation of vinyl siding, aluminum panning and replacement windows does not meet the Uplands Historic District Guidelines and is inappropriate for the building and district.
- Denied a Certificate of Appropriateness for the vinyl siding, aluminum panning and replacement windows.
- Directed the Urban Conservator to refer the matter to the City Solicitor's Office for enforcement of the Historic Conservation Legislation as applicable to this application.

CERTIFICATE OF APPROPRIATENESS - 1340 CLAY STREET, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT

Staff member Caroline Kellam distributed photographs of 1340 Clay Street, elevation drawings and a site plan showing the proposed work. She reminded the Board that the applicant had appeared before it on July 10, 2000 and that the Board had tabled

the application pending design revisions and presentation of more detailed information on the materials proposed.

Ms. Kellam indicated that the Board had expressed specific concerns about 1) the concrete block proposed for the new elevator tower and handicapped access ramp 2) the design of the new fence to screen the parking lot and 3) the installation of new windows in the north façade.

Project architect Mark Gunther and developer Bill Baum were present to answer questions from the Board. Mr. Gunther showed new drawings incorporating the suggestions made by the Board. He presented samples of the paint colors to be used on the existing building, addition and fence, samples of the ground faced masonry units to be used on the addition and fence and a model of the aluminum fencing screen.

Mr. Gunther indicated that the main body of the existing building will be painted a dark brown; window trim will be a lighter brown; windows are bronze anodized aluminum. The elevator addition and ramp will be of a gray ground faced block with matching mortar to read separate from the building. The parking lot screen will be black metal with brick-colored ground faced block piers to compliment the building color. The lower screen has been redesigned to better reflect the horizontal banding of the building. The north side of the building will have uniform 1/1 aluminum sash windows.

Mr. Senhauser suggested that a single color of block (for the tower and fence piers) be used to reduce the design variables and be more logical. He indicated that the new construction was sufficiently distinguished from the old by height and massing.

Ms. Sullebarger said that she would be less concerned about the use of concrete block in the tower if it were uniformly red (as proposed for the fence piers) to reflect the color of the surrounding brick buildings. The applicants argued that the gray block better fits the marketing image of the building.

Ms. Sullebarger also expressed concern that the proposed fence is too contemporary in design and unlike any fencing previously approved for the district. Mr. Gunther contended that the fence design was consistent with other building elements and was part of the identity of the project. He said the pattern and materials can be found in other gate details in the neighborhood. Mr. Senhauser felt strongly that the fence panels should be dark in color to screen the lot from view.

The Board members generally agreed that if the materials and design of the addition and fence do not meet the specific language of the Over-the-Rhine (South) Historic District Guidelines, strong justification must be found for approval. Specifically, the Guidelines prohibit the use of concrete block, and contemporary fencing. Mr. Dale said that approval of two non-conforming elements would stretch the discretionary nature of the guidelines.

BOARD ACTION

The Board voted unanimously (motion by Kreider second by Raser, amended by Sullebarger) and took the following action:

- Found that the ground face masonry units proposed for the fence piers and new addition are sufficiently distinguishable from the gray foundation block prohibited

in the guidelines and are an acceptable building material if in Pembroke Red to reflect the surrounding brick buildings.

- Found that although the fence design is not a metal picket as recommended in the guidelines it is compatible with the building and site and is acceptable if the mesh is painted a dark color to veil the parking lot.
- Approved a Certificate of Appropriateness for the rehabilitation of 1340 Clay Street, the new elevator tower and handicap ramp and parking lot screen wall with the condition that the final plans and specifications (including materials and color choices) be reviewed and approved by the Urban Conservator.

CERTIFICATE OF APPROPRIATENESS - 1120 MAIN STREET, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT

Staff member Daniel Young showed the Board photographs of the building at 1120 Main Street and drawings of the proposed "Bar Cincinnati" projecting sign. He reminded the Board that it had last year approved a projecting sign for Banana Joe's at this location that had stirred considerable controversy in the district. Mr. Young indicated that each side of the proposed sign will be half the size of the Banana Joe's sign it replaces and mounted on the same projecting pole. To accommodate the 7" diameter of the pole, the new sign must be 10" thick (as opposed to the 19" Banana Joe's sign).

BOARD ACTION

The Board voted unanimously to accept the staff recommendation (motion by Sullebarger second by Kreider) and approved a Certificate of Appropriateness for the installation of a 10" thick, 6'x4' projecting sign for the new Bar Cincinnati sign at 1120 Main Street.

CERTIFICATE OF APPROPRIATENESS AND DOWNTOWN DEVELOPMENT VARIANCE - 229 WEST SEVENTH STREET, CINCINNATI BELL BUILDING

Staff member Caroline Kellam circulated computer generated color renderings of two proposed building identification signs for the 1973 addition to the Cincinnati Bell Building. Ms. Kellam indicated that there will be two identical signs – one at the top of the west façade and the other at the top of the south façade. Each sign measures 1700 square feet and will be approximately 210 feet above the sidewalk; 105 square feet is allowable under zoning. During the day, the open channel letters and logo will read as white against the existing dark metal wall. At night, "Broadwing" will be lit in red neon and the swooshes in yellow.

Neither will encroach on the original historic building. Conservation guidelines apply only to the original 1929 building, but because each sign exceeds the maximum square footage allowable for its respective façade, a Downtown Development approval is required. Staff recommended that the Board find the signs are appropriate to the size and scale of the modern addition and approve a Certificate of Appropriateness and DD variance for the work.

Mr. Robert Horine representing Cincinnati Bell and Donald Walters of United Signs were present to answer questions from the Board. Mr. Huron indicated that the signage had been designed to be read from I-75, the western approach to the City

and the stadium/riverfront and to be compatible in scale with the large building; it will not be visible from the adjacent street. Mr. Walters said that variances for size would be required for virtually all identification signs on larger buildings in the downtown (PNC, Enquirer...).

It was generally agreed by the Board that the proposed signs were in proportion to the building and appropriately sized to be visible from a distance and that there are ample precedents in other downtown buildings to warrant the requested DD variance.

BOARD ACTION

The Board voted unanimously (motion by Kreider second by Raser) and took the following actions:

- Found that all conditions stipulated in 1443-507 of the Zoning Code have been met and that the proposed signs were properly scaled and proportioned to the building and area.
- Granted variances from the strict application of the Downtown Development Regulations set forth in 1443-409 (f) to permit the installation of signs on the west and south facades of 229 West Seventh Street that identify the principal occupant of the building yet exceed the maximum square footage allowed under zoning.
- Approved a Certificate of Appropriateness for the proposed business identification signs on the west and south sides of 229 West Seventh Street as shown on the drawings submitted.

CERTIFICATE OF APPROPRIATENESS AND DOWNTOWN DEVELOPMENT VARIANCE - 221-229 WEST FIFTH STREET, WEST FOURTH STREET HISTORIC DISTRICT

Staff member Caroline Kellam showed the Board photographs and a site plan of the existing surface parking lot at the southeast corner of Fifth and Plum Streets. She indicated that in 1991, the Board had approved an application by Allied Parking for a DD variance to use the site for parking and a Certificate of Appropriateness for the work required. (The Historic District Guidelines pre-approved the demolition of a building on a portion of that site and allowed for its use for parking for a period of 36 months following demolition.)

The Board approved the parking use for a three-year period and granted a variance to allow the applicant to substitute landscaping for the screen fence required in the DD zone. The Board also approved a Certificate of Appropriateness for the installation of a ticket booth, sidewalk sign and surface paving. The approval was granted with several conditions that were never met; at best the initial approvals expired in 1994. The guidelines address parking lots only along a portion of Fourth Street.

The applicant Terrapark is under contract to purchase the property and has requested that it be granted the same variances and approval previously given Allied Parking. Ms. Kellam said that the buyers intend to hold the property for resale for development and to operate the parking lot only until that time. Staff recommended that a Certificate of Appropriateness be approved for site improvements and that a DD variance to allow the parking use be issued for a period of two years. This is a

compromise between the three years requested by the buyer and a year-to-year approval recommended by the City's Department of Economic Development.

Mr. Dale indicated he may have a conflict-of-interest, recused himself and left the meeting.

Mr. Anthony Barlow, attorney for applicant, and Mr. Donald Palef president of Terrapark were present to answer questions from the Board. Mr. Barlow asked that the Board grant a three-year use variance and relief from parking lot fencing as consistent with its prior decision. He agreed to maintain the landscape buffer, but indicated that two years was too short a period to successfully market the property.

Mr. Palef explained his company invested in such property to realize a capital gain from a resale. It was not his intent to hold the property any longer than necessary, but he would need to hold it long enough to see the real estate appreciate in value. He calculated that this will take longer than two years and that a two-year term would be disruptive to the transaction. First, it is unlikely that the plan for expansion of the Convention Center and its effect on property values will be known in the next two years. Secondly, this site should be consolidated with the Allright site to the south to maximize value, but because of a recent takeover, that property cannot be sold in the next two years without significant tax consequences. Thirdly, Terrapark has entered into a three-year lease with a parking lot operator.

Myron Hughes from the Department of Economic Development emphasized that the City wants to see such open lots developed as soon as possible. He acknowledged that meanwhile the area needs parking to serve residential and commercial uses.

It was generally agreed among the Board that the development and occupancy of historic properties in the district have been helped by parking and that a three-year variance for that use was consistent with the lease period and in the interest of historic preservation. The Board expressed concern that Allright has also been operating the parking lot to the south beyond the three-year period granted in 1991 and that the Department of Buildings and Inspections should take action.

BOARD ACTION

The Board voted unanimously to accept the staff recommendation (motion by Kreider second by Raser) and took the following actions:

1. Found that all conditions stipulated in 1443-507 of the Cincinnati Zoning Code (Standards for Granting a Variance) have been met.
2. Granted a variance of Section 1443-408 (f) (DD District Parking Use Table) and Section 1443-408 (h) (Fencing of Surface Parking Lots) of the Cincinnati Zoning Code to permit the use of the property as a surface parking lot for a period not to exceed three years with the following conditions:
 - a) Pursuant to Sections 1443-704 (Covenants and Easements) and Section 1443-508 (Conditional Variances) of the Cincinnati Zoning Code and prior to the issuance of any certificate of occupancy, the Director of Buildings and Inspections shall obtain from the owner a written acceptance of the terms and conditions included in this approval. The written acceptance shall be in the form of a covenant prepared at the owner's expense and approved by the

Director of Buildings and Inspections and shall be entered upon the records of the Hamilton County Recorder at the owner's expense.

- b) The parking lot and landscaping shall be kept free of debris and properly maintained, with vegetation replaced as necessary. A landscape maintenance plan shall be submitted to the Urban Conservator for approval and initiation no later than October 30, 2000.
3. Approved a Certificate of Appropriateness for the installation of a new parking sign and attendant booth to match existing in size and location.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date_____